

05-11-01

05/10/01

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. CR9-98-027B
First Inventor P. M. LiVecchi
Title Performance Enhancements for Threaded Servers
Express Mail Label No. EK873465545US

09/18/2001
05/10/01

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 59]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 9]
- Oath or Declaration [Total Pages 2]
 - ☐ Newly executed (original or copy)
 - ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09 / 097,282

Prior application information.

Examiner M. Banankhah

Group Art Unit

2151

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label 25259 (Insert Customer No. or Attach bar code label here) or ☐ Correspondence address below

Name A. Bruce Clay
T81/503
Address 3039 Cornwallis Road
City Research Triangle Park State NC Zip Code 27709
Country Telephone 919-254-6717 Fax 919-254-4330

Name (Print/Type) Edward H. Duffield Registration No. (Attorney/Agent) 25,970
Signature Date 5/10/2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

Complete if Known

| | |
|----------------------|------------------|
| Application Number | Not Assigned Yet |
| Filing Date | May 10, 2001 |
| First Named Inventor | P. M. LiVecchi |
| Examiner Name | M. Banankhah |
| Group Art Unit | 2151 |
| Attorney Docket No. | CR9-98-027B |

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 09-0461
Deposit Account Name

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| | Large Entity | Small Entity | | | | | |
|-----|--------------|--------------|----------|----------|------------------------|--|----------|
| | Fee Code | Fee Code | Fee Code | Fee Code | Fee Description | | Fee Paid |
| 101 | 710 | 201 | 355 | | Utility filing fee | | 710. |
| 106 | 320 | 206 | 160 | | Design filing fee | | |
| 107 | 490 | 207 | 245 | | Plant filing fee | | |
| 108 | 710 | 208 | 355 | | Reissue filing fee | | |
| 114 | 150 | 214 | 75 | | Provisional filing fee | | |

SUBTOTAL (1) (\$ 710.

2. EXTRA CLAIM FEES

Total Claims 12 -20** = 0 x Fee from below = Fee Paid
Independent Claims 6 -3** = 3 x 18.00 = 54.00
Multiple Dependent = 0

| | Large Entity | Small Entity | | | | | |
|-----|--------------|--------------|----------|----------|--|--|--|
| | Fee Code | Fee Code | Fee Code | Fee Code | Fee Description | | |
| 103 | 18 | 203 | 9 | | Claims in excess of 20 | | |
| 102 | 80 | 202 | 40 | | Independent claims in excess of 3 | | |
| 104 | 270 | 204 | 135 | | Multiple dependent claim, if not paid | | |
| 109 | 80 | 209 | 40 | | ** Reissue independent claims over original patent | | |
| 110 | 18 | 210 | 9 | | ** Reissue claims in excess of 20 and over original patent | | |

SUBTOTAL (2) (\$ 54.00

**for number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| | Large Entity | Small Entity | | | | | |
|-----|--------------|--------------|----------|----------|--|--|----------|
| | Fee Code | Fee Code | Fee Code | Fee Code | Fee Description | | Fee Paid |
| 105 | 130 | 205 | 65 | | Surcharge - late filing fee or oath | | |
| 127 | 50 | 227 | 25 | | Surcharge - late provisional filing fee or cover sheet | | |
| 139 | 130 | 139 | 130 | | Non-English specification | | |
| 147 | 2,520 | 147 | 2,520 | | For filing a request for ex parte reexamination | | |
| 112 | 920* | 112 | 920* | | Requesting publication of SIR prior to Examiner action | | |
| 113 | 1,840* | 113 | 1,840* | | Requesting publication of SIR after Examiner action | | |
| 115 | 110 | 215 | 55 | | Extension for reply within first month | | |
| 116 | 390 | 216 | 195 | | Extension for reply within second month | | |
| 117 | 890 | 217 | 445 | | Extension for reply within third month | | |
| 118 | 1,390 | 218 | 695 | | Extension for reply within fourth month | | |
| 128 | 1,890 | 228 | 945 | | Extension for reply within fifth month | | |
| 119 | 310 | 219 | 155 | | Notice of Appeal | | |
| 120 | 310 | 220 | 155 | | Filing a brief in support of an appeal | | |
| 121 | 270 | 221 | 135 | | Request for oral hearing | | |
| 138 | 1,510 | 138 | 1,510 | | Petition to institute a public use proceeding | | |
| 140 | 110 | 240 | 55 | | Petition to revive - unavoidable | | |
| 141 | 1,240 | 241 | 620 | | Petition to revive - unintentional | | |
| 142 | 1,240 | 242 | 620 | | Utility issue fee (or reissue) | | |
| 143 | 440 | 243 | 220 | | Design issue fee | | |
| 144 | 600 | 244 | 300 | | Plant issue fee | | |
| 122 | 130 | 122 | 130 | | Petitions to the Commissioner | | |
| 123 | 50 | 123 | 50 | | Processing fee under 37 CFR 1.17(q) | | |
| 126 | 180 | 126 | 180 | | Submission of Information Disclosure Stmt | | |
| 581 | 40 | 581 | 40 | | Recording each patent assignment per property (times number of properties) | | |
| 146 | 710 | 246 | 355 | | Filing a submission after final rejection (37 CFR § 1.129(a)) | | |
| 149 | 710 | 249 | 355 | | For each additional invention to be examined (37 CFR § 1.129(b)) | | |
| 179 | 710 | 279 | 355 | | Request for Continued Examination (RCE) | | |
| 169 | 900 | 169 | 900 | | Request for expedited examination of a design application | | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$

SUBMITTED BY

| | | | | | |
|-------------------|--------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Edward H. Duffield | Registration No. (Attorney/Agent) | 25,970 | Telephone | 919-254-1301 |
| Signature | | | | Date | May 10, 2001 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: P. LiVecchi

Filed: herewith on May 10, 2001

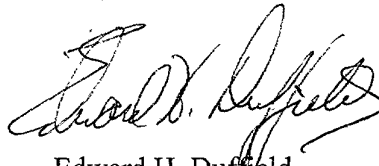
FOR: PERFORMANCE ENHANCEMENTS FOR THREADED SERVERS

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

The patent application transmitted herewith is being filed under 37 C. F. R. §1.53(b) as a divisional of the Application having serial number 09/097,282, which was originally filed on June 12, 1998. A copy of the signed oath/declaration which was originally filed in the parent case is also transmitted herewith, and is to be used as the oath/declaration for the divisional application. A label has been attached to the front of the copy, indicating this information.

Respectfully submitted,



Edward H. Duffield
Attorney for Applicant
Reg. No. 25,970

FOOTNOTES

Docket No. CR9-98-027B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: P. LiVecchi

Serial No.: Group No.: 2151

Filed: Herewith

For: Performance Enhancements for Threaded Servers

Assistant Commissioner of Patents
Box Patent Application
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EK873465545US

Date of Deposit: May 10, 2001

WE REQUEST THE DATE OF DEPOSIT AS THE DATE FILED.

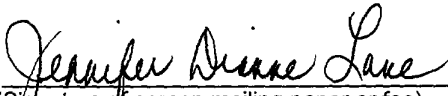
I hereby certify that the following **attached** correspondence comprising:

1. Utility Patent Application Transmittal for Divisional (In Duplicate)
2. Fee Transmittal for FY 2001 (In Duplicate)
3. Preliminary Amendment
4. Cover Letter with Declaration & Power of Attorney form.
5. Patent Application
6. Business Reply Post Card

is being deposited with the United States Postal Service Express Mail Post Office to Addressee service under CFR 1.10 on the date indicated above and is addressed to:

**Assistant Commissioner of Patents
Box Patent Application
Washington, D.C. 20231**

Jennifer Dianne Lane
(Name of person mailing paper or fee)


(Signature of person mailing paper or fee)